

### **REMARKS/ARGUMENTS**

Prior to this Amendment, claims 1-28 were pending in the application.

Claim 1 is amended to more clearly claim a system according to one embodiment of the invention, i.e., an embodiment in which the matching engine determines for each pair of matched profiles a pair of scores indicating the compatibility of a particular match relative to each of the profiles. Dependent claim 2 is amended to clarify that such score determination can be done using differing attributes that can be weighted independently, with support found in Applicants' specification beginning at page 22, line 16. Claims 10 and 11 are cancelled.

Independent claim 12 is amended to include the limitations of dependent claim 14, which is cancelled.

Independent claim 15 is amended to further clarify the claimed hiring agent data record element of the claimed invention. Claim 16 is cancelled.

Independent claim 21 is amended to more clearly claim statutory subject matter. New claim 29 depends from claim 21 and is added to further protect features of the invention not shown by the cited references. No new matter is added with support found at least in the originally filed figures and associated text.

Independent claim 23 is amended to more clearly claim statutory subject matter. Dependent claim 24 is cancelled with its limitations being added to base claim 23. New claims 30-32 depend from claim 23 and are added to further protect features of particular embodiments of the invention not shown by any of the cited references. No new matter is added with support found in the original figures and in the specification at least at page 22, line 16 to page 23, line 15.

After entry of the Amendment, claims 1-9, 12, 13, 15, 17-23, and 25-32 remain for consideration by the Examiner.

### **Objections to the Specification**

The specification is amended as suggested by the Examiner to address the objections in the Office Action.

### **Rejections under 35 U.S.C. §101**

In the Office Action of July 6, 2005, claims 21 and 23-27 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Independent claims 21 and 23 are amended to address this rejection, and the pending claims are all believed to be directed to statutory subject matter.

Independent claim 21 is amended to be directed to a computer-implemented method for processing and matching profiles that is carried out by a computing device.

### **Rejections under 35 U.S.C. §103**

In the Office Action of July 6, 2005, claims 1-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,385,620 ("Kurzius") in view of U.S. Pat. No. 6,662,194 ("Joao"). This rejection is traversed based on the amendments to the claims and the following remarks.

Turning first to independent claim 21, this claim is directed to a computer method for matching profiles that each includes a "restricted information section." The method includes "automatically matching profiles" based on attributes "including attributes within the restricted section." The matched profiles are then presented to the users associated with the profile "in a manner that prevents exposing the restricted information section" and when interest is indicated by the users using the computing device to present detailed information "including information in the restricted information section of the matched profile." In this manner, users of profiles can present information they do not want made public for use in finding matches, and once a match is found, the restricted or protected information can be accessed by the profile users. Neither Kurzius nor Joao teach all the steps of the method of claim 1, and particularly, these references

fail to teach profiles with restricted portions, using the information in the restricted portions to perform matching, and then presenting the information upon a showing of interest by users. For these reasons, claim 21 is believed allowable over the combined teaching of these two references.

In the human resources example, Applicants' specification explains the use of restricted information for matching and later disclosure to profile users at page 15, lines 19-24 and page 16, lines 1-6. These portions of the specification describe how a job candidate or supplier may provide information that is indicated as restricted but that should be used in matching of a job and how an employer or hiring agent may also provide information it wants used in matching but not made public. At page 18, line 24 to page 19, line 21, the specification describes how information designated as restricted is "released only upon an expression of specific interest." These features allow enhanced matching of the profiles while maintaining a desired level of privacy for candidate and employer, and Kurzius and Joao fail to disclose such features.

More particularly, the Office Action cites Joao at col. 14, line 61 to col. 15, line 10 for teaching the use of a restricted portion in a profile. However, Joao teaches the use of generic terms in place of true information and apparently allowing users to access this false or generic section while claim 21 calls for no access by users (until after interest is expressed). Claim 21 calls for matching using the attributes in the restricted section, and the Office Action states that this is shown by Kurzius at col. 8, lines 28-40. Applicants disagree as at this citation Kurzius merely discusses using matching algorithms to match criteria that may given weights by an employer. There is no discussion of use of a private or restricted portion of a profile or criteria that are not accessible. The combination of Joao does not overcome this deficiency as Joao fails to teach that "true information" should be used in a matching algorithm but instead discusses disclosure of the generic information in its place. For at least these reasons, claim 21 is allowable over the combined teaching of Kurzius and Joao.

Claim 29 depends from claim 21 and is believed allowable at least for the reasons for allowing claim 21. Further, claim 29 calls for some of the restricted information to be associated with a profile presented by the employer, and Joao's discussion of generic information to protect true information is only discussed for individuals.

Applicants further traverse the Examiner's taking of Official Notice that Joao teaches the final element of claim 21. On page 16 of the Office Action, the Examiner states that the references "strongly suggest that any time during the process of responding the true information can be revealed." However, there is no citation to Joao (or Kurzius) of teaching that a computing device in response to a further interest by "all users" associated with a matched profile acts to present information from a restricted section of a profile. Applicants argue that the combination of Kurzius and Joao would not result in the claimed invention. The teaching in col. 15, lines 1-10 of Joao of using generic information "to keep the true information masked for a desired time" does not teach using the true information for a matching process or presenting the data upon showing of interest by users.

Turning next to independent claim 23, this claim is directed to a method performed by processes on a human resources server. The method is different from the methods of Kurzius and Joao at least because it calls for "notifying a first user associated with one of the needs profiles and a second user associated with one of the capability profiles" of an achieved match. Interestingly, the "notifying comprises providing a degree of compatibility for the match to the first user and a degree of compatibility for the match to the second user." Hence, a degree of compatibility for the match is provided to the two users. These are different degrees of compatibility (with the actual value differing in dependent claim 30, with the degree of compatibility comprising scores for each of a set of matching components in dependent claim 31, and the matching components being related to skills/education, location, and compensation in dependent claim 32). In this manner, the method calls for a match to be rated or scored for both

the first user and for the second user (such as for a job applicant and separately for an employer), which allows each to better analyze the desirability of the match from their point of view (i.e., a "match" between an employer and a job applicant may differ with the match being more desirable or more compatible for one of the two users).

The "degree of compatibility" element of claim 23 was not presented originally in claim 23 and hence, no citation is provided for this feature of the method in the Office Action. Applicants have reviewed Kurzius and Joao and could not find any teaching of determining and presenting a separate degree of compatibility for both users in a profile matching service or that such a compatibility degree may differ (such as for a job applicant and an employer). Instead, Kurzius appears to teach a one-way analysis of determining whether a job applicant meets some set of criteria for a posted job or position. The job applicants may be ranked but there is no teaching of scoring of each match (and certainly not of each of a number of matching components for each match) for both the employer and job applicant. Hence, claims 23 is believed to be allowable over the combination of Kurzius and Joao, and claims 30-32 which depend from claim 23 are believed allowable as depending from an allowable base claim and because they include limitations not shown in the 2 references.

As amended, claim 1 calls for a matching engine that determines a pair of scores indicating a compatibility of a particular match to each one of a matched profile pair. Kurzius and Joao, as discussed with reference to Claim 23, fails to teach a matching engine that determines scores indicative of compatibility for both profiles in a matched pair. Kurzius appears to teach that weights can be assigned to various attributes to allow ranking of matches relative to each other (i.e., which job applicant better matches a job posting), but Kurzius provides no teaching that it may be useful to score each match from the employers side and certainly does not teach scoring of a match from the job applicant's side. Hence, the system of claim 1 is not shown or suggested by the combined teaching of

Kurzius and Joao (with Joao mainly being cited for its use of generic information in place of true information).

Claims 2-11 depend from claim 1 and are believed allowable as depending on an allowable base claim. Further, claim 2 as amended calls for the scoring determined for each of the profiles in a matched pair to be completed using differing attributes and using weights assigned to such attributes by the first and second users. Kurzius and Joao fail to teach that differing attributes may be used by each user or corresponding party of a matched profile pair or that differing weights may be placed on each attribute (e.g., location may be more important to the employer/first user than to the job applicant/second user). For this additional reason, claim 2 is believed allowable over Kurzius and Joao.

Claim 12 is directed to a job applicant agent with a data record with a plurality of attributes describing skills of a job applicant and "describing the associated job applicant's desire to utilize specified skills in future job assignments." Kurzius and Joao fail to teach such a data record in a job applicant record. In rejecting dependent claim 14 (which included the above quoted limitation), the Office Action cites Kurzius at col. 16, lines 50-57 (with a more background type of reference to Joao).

Kurzius at this citation is describing a "Background Information" portion 1404 of an employee/applicant section 1402 from Figure 14a, and from review of Figure 14a, it can be seen that there are no fields or input boxes for entering an indication of which job skills or attributes that a job applicant wants to use in future jobs. Hence, claim 12 is not shown or made obvious by Kurzius, and similarly, claim 13, which depends from claim 12, is believed allowable over the combination of Kurzius and Joao. In contrast, Figures 10-12 of Applicants' specification shows that for various skills a user can provide preference whether a next or matching job has a particular skill which enables the data record to be used in the job applicant choosing among various "matching" job postings.

Independent claim 15 is directed to an automated hiring agent with a data record that includes public data accessible by users accessing a matching engine and private data used by the matching engine for obtaining a match and by users accessing the matching engine but only based on a set of predefined rules. As discussed with reference to claim 21, Kurzius fails to provide any teaching of the use of public and private or restricted data in an employer's or hiring agent's profile, with the public and private both being used for matching but the private only being accessible based on certain access rules (such as when a certain level of interest in a matched profile is achieved). Joao fails to overcome this deficiency in Kurzius as it only teaches using generic data in place of true information and does not teach providing access to the true information based on a set of rules or that the true information is used in obtaining matches. For these reasons, claim 15 and claim 17, which depends from claim 15, are believed in condition for allowance over these two references.

Independent claim 18 calls for, among other things, a mechanism for continuously comparing profiles in the database to identify matches between hiring agents and job applicant agents. There is no citation to Kurzius for claim 18, and hence, Applicants assume that only Joao is used for rejecting this claim. Joao is cited in the Office Action for teaching such continuous comparing of profiles at col. 9, lines 10-15 and 33-40. However, the cited portions are merely the objects portion of the Summary of this patent. At col. 9, lines 10-15, Joao states that it is an object for their invention to provide a method for job searching services "which can be programmed to be self-activating and/or be activated automatically." There is no teaching of "continuously comparing profiles...to identify matches" as self-activating and automatic appear to indicate periodic processes (i.e., don't need to activate a continuous process). At col. 9, lines 33-40, Joao discusses an object for "automatic notification" of various things such as availability of job applicants but provides no discussion of continuous matching operations. Hence, Joao fails to teach or suggest each element of claim 18. For at least these reasons claim 18 and claims 19-20 that depend from claim 18 are allowable.

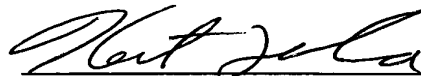
**Conclusion**

Based on the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

A check is provided for the fee associated with the request extension of time, but any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

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Respectfully submitted,



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